



SEP 01 2000

Mr. John Wilson
Assessment and Watershed Protection Division
Mississippi River/Gulf of Mexico Action Plan (4503F)
c/o Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Mr. Wilson:

We commend the Environmental Protection Agency (EPA) for its handling of the draft Plan of Action for Reducing, Mitigating and Controlling Hypoxia in the Gulf of Mexico. This version is substantially improved from the previous draft versions that the Department of Agriculture (USDA) has seen. In particular, USDA is pleased that this version:

1. Correctly places the emphasis of the Action Plan on reduction of nitrogen delivery to the gulf;
2. Incorporates an emphasis on incentive-based, voluntary efforts to reduce non-point sources of nitrogen;
3. Emphasizes the leadership of States and Tribes in the implementation and tracking of reduction efforts;
4. Lays out a set of short-term, attainable priority actions for implementation that are appropriately led by States and Tribes.
5. Identifies most Federal programs that are appropriate to support the State and Tribal efforts and are most likely to result in a successful outcome, as well as suggesting specific tasks that can be addressed by Federal programs;
6. Emphasizes both the long-term nature of how this challenge developed, the long-term nature of successful mitigation strategies, and the critical requirement of patience in an ongoing evaluation to determine whether the mitigation approaches implemented are having the desired effect; and,
7. Appropriately identifies the scope of this challenge as a national priority that will require a focused restoration funding initiative on the part of the Congress in order to reach a satisfactory resolution.

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Overall, this version of the draft Action Plan accommodates many of the USDA concerns identified in earlier versions. However, there remain several concerns that need to be addressed related to:

- Establishing a long-term coastal goal;
- Recognition of the need for new appropriated funds and adequate funds for technical assistance; and
- Recognition of the impact of current natural resource conservation activities.

Our concerns on the above issues are articulated on the enclosure, along with other general comments on the draft Action Plan. We believe that our concerns are not divergent from EPA intent, but are a matter of clarity and can be easily accommodated.

We appreciate the opportunity to provide comments on the draft Action Plan and look forward to further discussion on this subject at future Nutrient Task Force meetings.

Sincerely,



Glenda L. Humiston
Deputy Under Secretary
Natural Resources and Environment

Enclosure

cc:

James R. Lyons, Under Secretary, Natural Resources and Environment, USDA
I. Miley Gonzalez, Under Secretary, Research, Education, and Economics, USDA

USDA COMMENTS ON DRAFT PLAN OF ACTION FOR REDUCING, MITIGATING, AND CONTROLLING HYPOXIA IN THE NORTHERN GULF OF MEXICO

Primary Concerns

1. Establishing a long-term coastal goal.

There are three long-term coastal goal options in the draft Action Plan, offering a choice between different quantitative and qualitative alternatives. Although significant scientific work has been accomplished, the science and knowledge base may not be good enough today throughout the basin to know with certainty whether quantitative goals (such as options 1.A and 1.B) are achievable, realistic, or economically feasible. A qualitative goal may be more acceptable at this time, rather than a hard-and-fast goal, until the science and knowledge base has been established to support, with certainty, a quantitative goal.

Qualitative goal 1.C is currently the best option of the three, but it would be difficult to measure success in achieving such a qualitative goal. If a qualitative goal is chosen, the following is offered so that success can be measured:

"To conduct practical, cost-effective management activities by all States and Tribes within the basin, and all categories of sources of nutrient loading, in a manner that will prevent pollution from nitrogen from exceeding water quality standards established by the State and Tribal water pollution control agencies."

States and Tribes should determine if a quantitative goal is possible at this time, and if it is, should determine that quantitative goal because they will be ultimately responsible for achieving the goal. At the June 15-16, 2000, Nutrient Task Force Meeting in St. Louis, Missouri, we did not observe that there was agreement between the States on the goals of the draft Action Plan. There were seven States represented at the meeting and only two agreed to a quantitative goal, with the other five opposed.

Fertilization from agricultural production is not the only source of nutrients (nitrogen) within the basin. However, the draft Action Plan appears to focus almost entirely on agricultural use of fertilizer. Soil degradation and atmospheric deposition are two very important issues that do not appear to be addressed. Fertilizer inputs have increased greatly since 1945; however, crop yields (especially corn) also have greatly increased significantly. The amount of nitrogen removed by crop harvest is significantly greater than the amount of fertilizer applied to cropland, according to the Topic 3 Report by the U.S. Geological Service and National Oceanic and Atmospheric Administration.

Not all fertilizer sold in the Mississippi River basin is used as fertilizer. Large amounts are used as deicing compounds on highways and airports, and considerable amounts are used in resin manufacturing. Also, much of the fertilizer sold as "agricultural" fertilizer is used in suburban/urban environments and not the agricultural sector. All these nitrogen sources need to be considered in any action that is established for the basin.

It is commonly understood that a significant "lag" time (decades) will occur between the time that programs are implemented, conservation practices installed, and results are noted. Important and significant Federal agricultural and environmental protection programs have been enacted and implemented in the last 15 years, but water quality responses in the lower Mississippi River Basin may not be detectable yet. The Conservation Reserve Program (CRP) has removed millions of acres of agricultural land from production that are no longer being fertilized, eroding, and producing sediment and adsorbed nutrients. The Wetlands Reserve Program (WRP) has restored over 745,000 acres of wetlands in the basin that are filtering run-off and removing nutrients from the river system. The 1985 and 1996 Farm Bills resulted in most of the highly erodible cropland in the United States having conservation practices and systems installed, resulting in reduced erosion and sedimentation. The Environmental Quality Incentives Program (EQIP) and the use of Clean Water Act Section 319 funds by States and Tribes have resulted in thousands of acres of agricultural land having conservation practices and systems installed that address non-point source run-off. Finally, thousands of miles of conservation riparian buffers have been installed that trap and filter pollutants from surface water and shallow groundwater. Monitoring and modeling efforts need to account for these significant accomplishments.

2. Recognition of the need for new appropriated funds and adequate funds for technical assistance:

The draft Action Plan suggests that Federal agencies will direct EQIP, CRP, WRP, and other Environmental Restoration Programs (i.e. Section 319) into targeted watersheds within the basin. The Action Plan needs to clearly recognize that **new appropriated funds** for increased technical and financial assistance, not redirecting existing funds, are needed to accelerate the work that currently is being done throughout the basin. For instance, in USDA's major conservation programs, approximately 77 percent of the total EQIP funds, 75 percent of the total CRP acreage, 89 percent of the WRP acreage, and 68 percent of the total Wildlife Habitat Incentives Program (WHIP) funds have been obligated in the 31 Mississippi River Basin States. Further directing existing program funds into the basin would have significant negative impacts on other high priority geographic areas across the Nation such as the Colorado River Basin salinity control activities, the Chesapeake Bay Program, the Everglades, the Great Lakes, and other areas.

Identifying the financial incentives is important, but we are also concerned that the budget proposal in the draft Action Plan does not appear to adequately **identify critical and essential technical assistance** dollars for Federal, State, and Tribal agencies for watershed planning and to provide needed technical services to landowners and users. USDA, for example, cannot commit to additional workload associated with nutrient

management without significantly reducing current priority technical services to landowners and conservation districts. This would create an unacceptable tradeoff between equally important priority technical service needs.

3. Recognition of the impact of current natural resource conservation activities.

The draft Action Plan needs to clearly recognize the past and present achievements by farmers in reducing nutrient losses from agricultural lands through stewardship and voluntary assistance programs. It is not clear in the draft Action Plan that before any acceleration of on-the-ground implementation occurs, a complete assessment of current conservation and non-point source pollution control efforts will be done to determine their cumulative impacts on the nutrient loading in the Mississippi/Atchafalaya River Basin. There are many local, State, Tribal, and Federal programs and initiatives underway, yet the integrated assessment did not determine their cumulative impacts on the nutrient-loading problem. We must know what the impacts of our current efforts will be before identifying how much more needs to be done.

USDA has a long and successful history of using a multi-pronged approach in solving agricultural and silvicultural resource problems. Research, monitoring, education, the transfer of new technology, technical assistance, and financial assistance are all elements of our approach. Some of this approach is recognized in the Adaptive Management portion of the draft Action Plan. Although these elements can and are carried out simultaneously for new problems or initiatives, it is important to implement the elements in the order described, starting with research and monitoring. It is good public policy to first obtain complete and accurate information before expending funds on implementation or redirecting efforts.

USDA plans to first accelerate its research and monitoring efforts in the Mississippi/Atchafalaya River Basin to help fill in the data and information gaps. This may take 5 or more years to accomplish, provided that new appropriated funds are available. At the same time, USDA will continue to implement its conservation programs in the basin using existing programs and authorities. Once the new data and information is understood, we will seek to accelerate our education, extension, technical, and financial assistance activities as appropriate.

Specific Comments

The following are specific comments and concerns regarding the draft Action Plan, mostly to provide clarity regarding the three concerns described above. Underlined words should be added as described below.

1. [Page 42691] Long-Term Goals – (2) Within Basin Goal – “To restore” would imply a restoration to some previous level. What level would or could be appropriate? This language should be consistent with a measurable coastal qualitative goal. Revise the goal to a qualitative approach: “to protect and enhance the waters of ...”.

2. [Page 42692] Implementation Actions, 2nd paragraph – The draft Action Plan states “The Plan also assumes that Federal, State and Tribal governments will provide involved agencies with ... additional appropriations needed to accomplish tasks not presently funded within agency budgets.” This should be revised to read “The Plan also assumes that Federal, State, and Tribal governments will provide involved agencies with ... additional new funds, as appropriated, to accomplish ...”
3. [Page 42692] Implementation Actions, Short-Term Action #2 – “These strategies will include ... establishing a baseline of existing efforts for nutrient management ...”
Revise to read “These strategies will include ... establishing a baseline and assessing the impact of existing efforts, as of January 1, 1997, for nutrient management ...”
The January 1, 1997 date would establish consistency with the Integrated Assessment.
4. [Page 42692] Implementation Actions, Short-Term Actions – Add a new action #2A: “By Spring 2002, the USDA, USGS, and EPA will cooperatively assess the cumulative impacts of the States, Tribes, and Federal agencies’ strategies, identified in short-term action #2, and the cumulative impacts of strategies and existing efforts in other sub-basins, so the cumulative impacts of all the strategies and existing efforts in the Basin are known.”
5. [Page 42692] Implementation Actions, Short-Term Action #3 – Revise to read “will identify point source dischargers..., assess the cumulative impacts of such loadings, and undertake steps to reduce these loadings.
6. [Page 42692] Implementation Actions, Short-Term Actions – Add a new action #3A: “By Spring 2002, the EPA will assess the cumulative impacts of all the individual point source dischargers with significant discharges of nutrients, identified in short-term action #3.”
7. [Page 42692] Implementation Actions, Short-Term Action #4 – This action should make reference to and be consistent with actions #2 and 2A.
8. [Page 42692] Implementation Actions, Short-Term Action #5 – This action should make reference to and be consistent with actions #2 and 2A.
9. [Page 42692] Implementation Actions, Short-Term Action #7 – Revise to read “By Spring 2002... will develop and implement a plan that will greatly expand the long-term monitoring program ...”
10. [Page 42692] Implementation Actions, Short-Term Action #8 – Revise to read “By Spring 2002... will develop and implement a plan that will expand the existing monitoring efforts ... identify additional management actions, as may be needed, to help mitigate nitrogen losses ...”

11. [Page 42692] Key Roles and Responsibilities – Private Citizens and Businesses – The draft Action Plan recognizes that private citizens and businesses have a role, but it infers that they will only take an active role and responsibility after receiving assistance from government agencies. This is not the case. The private sector should be given greater credit for their efforts. Add the following as the introductory sentence: “Most private citizens and businesses are good stewards of the natural resources they control, and use their own financial resources, to the extent practical, to reduce the impacts of their activities on water quality.” Replace the last sentence with the following: “In addition to using their own financial resources, private citizens and business are supported by local, tribal, State, and Federal programs that provide education, technical and financial assistance, and other incentives to encourage broader and more effective use of pollution prevention techniques, conservation practices and systems, and participation in restoration programs.”

Additionally, local citizens, local units of governments, and local businesses need to be involved in developing the strategies for nutrient reductions in their communities.

12. [Page 42693] Key Roles and Responsibilities – States and Tribes – The first full sentence reads “Where possible, ...” Use the word “practical” in lieu of “possible”.
13. Under the section “Key Roles and Responsibilities”; States, Tribes, and Federal Agencies – The Plan states “States and Tribes and EPA will target Clean Water Act Section 319 funds to improve nitrogen management and wetland riparian buffer restoration and creation.” Historically and statutorily, 319 funds have been used for monitoring, demonstration, and education. Applicants are constantly challenged in many locations to use 319 funds to install best management practices or restore degraded areas. Significant changes, either statutorily or institutionally, may be needed for this action statement to occur.
14. [Page 42693] Key Roles and Responsibilities – States, Tribes, and Federal Agencies; 1st sentence – Revise to read “The U.S. Army Corps of Engineers (COE), in conjunction with ... will target ... pertinent program resources, as may be appropriated specifically for this purpose, for diversions and other related projects ...”
15. [Page 42693] Key Roles and Responsibilities – States, Tribes, and Federal Agencies – The 5th paragraph refers to “soil maps.” Revise to read: “States to complete or update soil surveys for all agricultural areas as needed...”
16. [Page 42693] Key Roles and Responsibilities – Federal Agencies; 1st sentence – Revise to read: “The Federal agencies will focus, to the greatest extent practical, the ...” This sentence should also list the Watershed Protection and Flood Prevention Program, in addition to the EQIP, CRP, WRP, and other programs listed.

17. [Page 42693] The Framework and Approach – The 1st sentence: Revise to read “There is no simple or single solution that will reduce, mitigate, or control hypoxia in the Gulf.”
18. [Page 42694] Adaptive Management – Commonly, good strategic planning should include several initial stages before actions and adaptive management are triggered. Spending the appropriate amount of time, energy, and resources in the beginning planning stages can enable identification of the actions needed and reduce the amount of adaptive management that is needed in the latter stages. As written, the draft Action Plan places a lot of emphasis on the adaptive management phase. It lists the following components of adaptive management: action; education; monitoring; research and modeling; evaluation and adaptation. This implies that with good strategic planning, you first act and then figure out how well you acted! This section needs to clarify that a reasonable monitoring, research, and modeling effort has already occurred, although limited, and those efforts have led to this action plan. Recognizing that more monitoring, research, and modeling is needed, the action plan includes an adaptive management approach. This is a dynamic approach and process that will continue for many years, at least to 2020 and perhaps beyond.
19. [Pages 42694 and 42695] Funding the National Effort – The draft Action Plan does not identify when the national funding effort will be initiated, nor by whom. Perhaps these should be listed as specific short-term actions. Also, this section needs to reference not only short-term implementation action #2, but also #2A, 3, 3A so that all the mix of strategies related to all non-point source pollution reduction and point source control, and their cumulative impacts, are considered in an omnibus budget. Additionally, short-term actions #4, 5, 6, 7, 8, and 9 will require federal funding and should be included in the omnibus budget.
20. [Pages 42695 and 42696] Mississippi-Gulf Omnibus Restoration Fund – The following USDA programs should be listed, in addition to the other USDA programs, for the following elements of the restoration fund:
 - ◆ Agricultural Nutrient Efficiency - Watershed Protection and Flood Prevention Program
 - ◆ River Remediation - Watershed Protection and Flood Prevention Program, Wildlife Habitat Incentives Program
 - ◆ Watershed Partnership Investment - Watershed Protection and Flood Prevention Program. The description of this fund should include the technical assistance provided to watershed partners (local, State, and Tribal sponsors) for watershed restoration and river basin planning.
 - ◆ Adaptive Management (research, monitoring, modeling) – Resource Inventorying and Monitoring
21. [Page 42696] Indicators of Success/Progress – The last sentence should refer to not only short-term implementation action #2, but also #2A, 3, 3A, 4, 5, 6, 7, 8, 9 so that all the appropriate actions have indicators.

22. [Page 42696] Programmatic Indicators – Identification of specific programmatic indicators may be premature until goals and implementation actions are known. Therefore, the 1st sentence should be revised to read: “Upon reaching an ultimate goal and implementation actions, appropriate indicators will be tracked at various scales, such as: ...” The sentence regarding the 8-digit hydrologic unit codes should follow the list of potential indicators.

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